

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
LUBBOCK DIVISION

CHARLES EPLEY,)	
)	
Plaintiff,)	
)	
v.)	
)	
MARCO GONZALEZ,)	
<i>Sergeant at Montford, et al.,</i>)	
)	
Defendants.)	Civil Action No. 5:18-CV-0142-C

ORDER

Before the Court are the Findings, Conclusions, and Recommendation of the United States Magistrate Judge, filed September 26, 2023, recommending that the Court: (1) deny TDCJ's Motion to Dismiss Under Rule 41(b) for failure to prosecute; (2) grant TDCJ's Motion for Extension of Time to File Dispositive Motions; and (3) set the deadline for any said dispositive motions as fourteen (14) days from the date of this Order. Plaintiff failed to timely file objections to the Magistrate Judge's Recommendations.

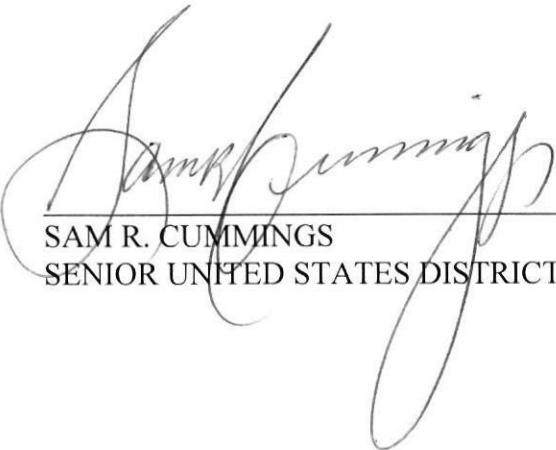
The Court conducts a *de novo* review of those portions of the Magistrate Judge's report or specified proposed findings or recommendations to which a timely objection is made. 28 U.S.C. § 636(b)(1)(C). Portions of the report or proposed findings or recommendations that are not the subject of a timely objection will be accepted by the Court unless they are clearly erroneous or contrary to law. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989).

The Court has conducted an independent review of the Magistrate Judge's findings and conclusions and finds no error. It is therefore **ORDERED** that the Findings, Conclusions, and

Recommendation are hereby **ADOPTED** as the findings and conclusions of the Court. For the reasons stated therein, the Court: (1) **DENIES** TDCJ's Motion to Dismiss Under Rule 41(b) for failure to prosecute; (2) **GRANTS** TDCJ's Motion for Extension of Time to File Dispositive Motions; and (3) set the **DEADLINE** for any said dispositive motions as fourteen (14) days from the date of this Order.

The above-styled and -numbered civil action will be transferred back to the docket of the United States Magistrate Judge by a separate Order of even date.

SO ORDERED this 25th day of October, 2023.



SAM R. CUMMINGS
SENIOR UNITED STATES DISTRICT JUDGE